



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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November 9, 2009

CODY BENSON
4807 OYSTER BAY RD
OLYMPIA WA 98502

Subject: Final Order - PDC Case No. 10-024

Dear Ms. Benson:

Enclosed is a copy of the Public Disclosure Commission's Final Order in the above-referenced case. Unless you exercise your appeal rights as described in the order, you are assessed a civil penalty of \$750 with the entire \$750 suspended on the condition that you are not found in violation of RCW 42.17.150 – 42.17.175 for a period of two years from the date of entry of the order.

If you have questions, please contact me at (360) 664-8853 or toll free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

Philip E. Stutzman
Director of Compliance

Enclosure

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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

7 In the Matter of Enforcement Action Against:
8 Cody Benson,
9 Respondent.

PDC CASE NO. 10-024
FINAL ORDER

10
11 **I. INTRODUCTION**

12 This matter came before the Washington State Public Disclosure Commission on
13 October 22, 2009 at the PDC Office, 711 Capitol Way, Room 206, Olympia, Washington.
14 Those present included Jim Clements, Commission Chair; David Seabrook, Vice Chair;
15 Ken Schellberg, Member; and Jane Noland, Member. Also present were PDC Executive
16 Director Vicki Rippie; PDC Director of Compliance Phil Stutzman; Cody Benson,
17 Respondent; and Nancy Krier, General Counsel for the Commission. The proceeding was
18 open to the public and was recorded.
19

20 This matter resulted from the Respondent's alleged failure to timely file a Monthly
21 Lobbyist Expense Report (PDC Form L-2) for August 2009, an alleged violation of RCW
22 42.17.170.
23

24 In accordance with WAC 390-37-170, this matter was brought before the full
25 Commission for consideration because the allegation was the fourth occasion of a violation
26 of RCW 42.17.170 by the Respondent during calendar 2009.

1 PDC Staff submitted to the Commission a cover memo from Mr. Stutzman dated
2 October 14, 2009; a Notice of Administrative Charges dated October 9, 2009; and a
3 spreadsheet summarizing penalties assessed in comparable cases. As noted in the Notice of
4 Administrative Charges, as of October 9, 2009, the Respondent had not paid the \$150
5 unsuspended portion of a penalty in PDC Case No. 09-108 for failing to timely file her
6 March 2009 L-2 report.
7

8 Mr. Stutzman testified and summarized the staff allegations, and asked the
9 Commission to find a violation of RCW 42.17.170. Ms. Benson also testified and
10 addressed the Commission.
11

12 **II. FINDINGS OF FACT**

13 The Commission makes the following findings of fact:

- 14 1. The Respondent's August 2009 L-2 report was required to be filed by September
15 15, 2009.
- 16 2. Mr. Stutzman testified that on October 21, 2009, Ms. Benson filed her missing
17 August L-2 report, and terminated her lobbyist registration for Robin Appleford,
18 effective May 31, 2009. At the same time, Ms. Benson paid the \$150 unsuspended
19 portion of the outstanding penalty in Case No. 09-108.
20
- 21 3. On October 21, 2009, Ms. Benson also filed her September and October L-2 reports,
22 and terminated her lobbyist registration for her remaining employer, Washington
23 Association of Realtors, effective October 20, 2009.
- 24 4. Ms. Benson testified that she believed staff members for her employer, Washington
25 Association of Realtors, were filing the monthly L-2 reports on her behalf.
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5. She apologized for the confusion that caused her August L-2 report to be filed late.

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1 petition is filed, the Commission does not either dispose of the petition or serve the parties
2 with written notice specifying the date by which it will act on the petition. Pursuant to
3 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
4 Commission to reconsider the final order before seeking judicial review by a superior court.
5

6 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

7 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
8 Commission is subject to judicial review under the Administrative Procedures Act, chapter
9 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
10 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
11 County or the petitioner's county of residence or principal place of business. The petition
12 for judicial review must be served on the Public Disclosure Commission and any other
13 parties within **30 days** of the date that the Public Disclosure Commission serves this final
14 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
15 shall be by delivery of a copy of the petition to the office of the director, or other chief
16 administrative officer or chairperson of the agency, at the principal office of the agency.
17 Service of a copy by mail upon the other parties of record and the office of the attorney
18 general shall be deemed complete upon deposit in the United States mail, as evidenced by
19 the postmark."
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22 If reconsideration is properly sought, the petition for judicial review must be served
23 on the Public Disclosure Commission and any other parties within thirty (30) days after the
24 Commission acts on the petition for reconsideration.
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1 **IV. ENFORCEMENT OF FINAL ORDERS**

2 The Commission will seek to enforce this final order in superior court under RCW
3 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
4 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
5 will be taken without further order by the Commission.
6

7 The Executive Director is authorized to enter this order on behalf of the
8 Commission.

9
10 DATED THIS 9th day of November, 2009.

11 FOR THE COMMISSION:

12 Vicki Rippie
13 VICKI RIPPIE, Executive Director DR
14

15 *Date of mailing:*

16 11/9/2009
17

18 *Copies mailed to:*

19 Cody Benson, Respondent
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